

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

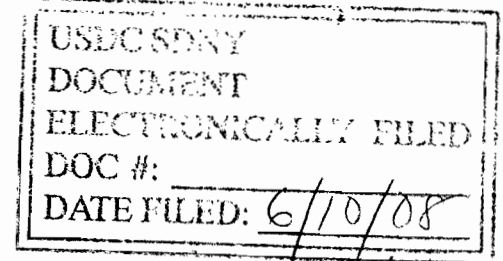
Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

----- X

This Document Relates To:

*City of Sacramento
Sacramento County Water Agency
Sacramento Suburban Water District*

*San Juan Water District, plaintiffs in
People of the State of California v. Atlantic Richfield,*
----- X 04 Civ. 4972



ORDER OF DISMISSAL WITHOUT PREJUDICE

The Court hereby dismisses without prejudice the "threatened well" claims of *City of Sacramento, Sacramento County Water Agency, Sacramento Suburban Water District, and San Juan Water District*, with each party bearing its own costs. Such dismissal is granted on the

condition that Plaintiffs will not assert claims against any Defendant unless and until any one of the following conditions occurs:


- (1) MTBE or TBA is detected for the first time in any well owned or operated by Plaintiff or in water accessed by Plaintiff in its operations; or
- (2) a federal or state agency issues to Plaintiff an order, judgment or directive requiring it to cease or limit operation of any well owned or operated by it due to the detection of MTBE or TBA in the vicinity of such well or in water accessed by such well; or
- (3) a federal or state agency issues to Plaintiff an order, judgment or directive requiring it to remediate, cleanup or otherwise abate any detection of MTBE or TBA; or
- (4) any change(s) in the statutory or regulatory laws affecting Plaintiff's potential ability to seek to recover damages from any Defendant for actual or imminently threatened contamination to groundwater from MTBE and/or TBA; or

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Doc. 1880

- (5) any new detections on or after May 6, 2008 of MTBE and/or TBA in the capture zone of a well(s) indicating wells are imminently threatened by MTBE and/or TBA. In the event that these detections occur, the Plaintiff must also have a report dated after May 6, 2008 from a qualified engineer, hydrogeologist, or other environmental consultant advising the Plaintiff that, in light of the new detections, specific well(s) are imminently threatened by MTBE and/or TBA.

ENTERED this 10 day of June, 2008


HONORABLE SHIRA A. SCHEINDLIN